



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

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|-------------------------|-------------------|----------------|--|
| Bill # | HB0438 | Title: | Provide review committee for healthcare licensing scopes of practice |
| Primary Sponsor: | Olszewski, Albert | Status: | As Introduced |

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| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

| | <u>FY 2016 Difference</u> | <u>FY 2017 Difference</u> | <u>FY 2018 Difference</u> | <u>FY 2019 Difference</u> |
|---|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Expenditures: | | | | |
| General Fund | | | | |
| State Special Revenue | | ----- Unknown ----- | | |
| Revenue: | | | | |
| General Fund | | | | |
| State Special Revenue | | ----- Unknown ----- | | |
| Net Impact-General Fund Balance: | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

Description of fiscal impact: The fiscal impact of this bill is unquantifiable at this time.

FISCAL ANALYSIS

Assumptions:

1. The bill provides multiple opportunities for applicant groups to form and “apply”, and multiple issues can provide a basis for an application, including review of existing rules, (a “retrospective review of scope of practice changes”).
2. Because the number of applicant groups is unknown and the number of applicant groups who would request a fee waiver is unknown, revenue to the committee cannot be assessed with any accuracy.
3. The bill states the commissioner may convene a committee to conduct other reviews or perform research on issues related to a health care-related scope of practice, or at the request of a legislative standing or interim committee. The frequency and length of these meetings and assignments is unknown, and therefore expenses cannot be calculated. The assumption is these meetings may not always be related to an applicant group and therefore no fee has been paid to support the committee’s expenses.
4. For reference purposes, the expenses for one committee member to travel 250 miles roundtrip for one meeting day are estimated at a minimum of \$250.50. Expenses, should all committee members need to travel from out of the area, would be a minimum of \$1,753.50 for one meeting day.

5. Per-diem for seven committee members for one meeting day is \$350 (\$50 per member x seven members). If the applicant group requests review of an administrative rule, the fee of \$100 for the review covers less than a third of the per-diem.
6. With applicant fees set at \$100 or \$1,000, it is assumed total costs to conduct these meetings could not be covered by the state special revenue fund. The bill does not specify how activities of the committee will be funded if the cash balance of the state special revenue fund is depleted.
7. The bill requires the committee to conduct research, seeking information from technical experts, conduct public hearings and meetings, with a final report to the commissioner. The bill requires the commissioner to initiate the meetings, provide a location, arrange notifications, and provide staffing. The bill does not address how personal service time for the commissioner and staff, or expenses to hold meetings at a location other than a state owned building are to be paid for. The bill does not address whether or how “technical expert” testimony would be paid.
8. The bill allows for the committee to provide a “retrospective review” of scope of practice changes in board rules. It is unknown how many, if any, existing rules would be the subject of application for the committee. Licensing boards currently have authority to consider scope of practice issues, and meetings and discussions are open to the public. It is unknown how many of these applications would result in a proposed rule or bill draft during the upcoming biennium.
9. Licensing Boards, in complying with MAPA requirements, spend on average \$4,000 - \$5,000 for a rule change. The process entails public notice, a public hearing, a comment period, (in addition to board meetings), notifications, publication to the Secretary of State, and legal service time. A review could result in a board noticing an additional rule change with costs paid by licensees.
10. Given the number of unknowns surrounding implementation of this bill, the fiscal impact cannot be determined.

Technical Notes:

1. It is not specified as to how committee and staff functions will be funded if fees and revenues into the committee account are waived or are insufficient to fund the required committee activities.
2. It is not specified who is responsible for funding the potential committee activities authorized in Section 4(7).
3. Outside of the department developed questions to be answered by the applicant are authorized in Sections 7 and 8. However, it is not specified who is responsible for fact finding and follow up required by the committee during its operation.
4. Section 7(4) does not specify which types of information would provide sufficient evidence of adequate functionality in protecting the public.
5. Notwithstanding the provisions of Section 2, the bill does not address the interaction or timing of the review process with the rule-making procedures provided by the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).
6. The bill does not address the independence of licensing boards provided by 2-15-121(1)(a) with respect to rule-making to the review processes contained in the bill.
7. The bill does not address the point at which an association or individual becomes an “applicant group”, compared to an association or individual making a general inquiry or complaint regarding scope of practice in licensed health care professions.
8. The “pay to speak” requirements of Section 4(2) of the bill, when taken in conjunction with technical note #7 are not clear.

Sponsor's Initials

Date

Budget Director's Initials

Date